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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LOUIS RANDOLPH,  
 a.k.a., CLYDE LEWIS,

Plaintiff,

v.

NEVADA DEPARTMENT OF CORRECTIONS  
 (NDOC), et al.,

Defendants

Case No. 3:17-cv-00085-MMD-CBC

**MOTION FOR EXTENSION OF THE 90 DAY  
 STAY AND DEADLINE TO FILE THE 90  
 DAY STAY REPORT**

Defendants, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Erin L. Albright, Deputy Attorney General, hereby move this Court for an extension of the ninety (90) day stay and an extension of the deadline to file the ninety (90) day stay report. This motion is based on the following Memorandum of Points and Authorities and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NATURE OF MOTION**

On August 23, 2018, this Court entered its Order, staying this matter for ninety (90) days to allow the parties an opportunity to settle before an answer or other pleading is filed. (ECF No. 5 at 15-16). The Court further ordered the Office of the Attorney General to file the ninety (90) day stay report at the conclusion of that time period. *Id.* Based on that Order, the ninety (90) day stay is due to expire on November 21, 2018, and the ninety (90) day report is due to be filed that day. *Id.*

To date, an Early Mediation Conference (EMC) has not been scheduled in this matter.

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1 **II. DISCUSSION**

2 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

3 When an act may or must be done within a specified time, the court may,  
4 for good cause, extend the time: (A) with or without motion or notice if  
5 the court acts, or if a request is made, before the original time or its  
6 extension expires; or (B) on motion made after the time has expired if the  
7 party failed to act because of excusable neglect.

8 The proper procedure, when additional time for any purpose is needed, is to present a request for  
9 extension of time before the time fixed has expired. *See Canup v. Mississippi Val. Barge Line Co.*, 31  
10 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a  
11 showing of good cause if timely made under subdivision (b)(1) of the Rule. *See Creedon v. Taubman*, 8  
12 F.R.D. 268 (N.D. Ohio 1947).

13 Good cause exists to extend the stay in this case because it will permit the parties to engage in  
14 settlement discussions without Plaintiff being assessed a filing fee and without Defendant being  
15 required to file the 90 day stay report and prepare a response to Plaintiff's Complaint. Additionally, this  
16 will allow time for representatives for Defendants to attend the EMC to discuss Plaintiff's concerns.  
17 Extending the stay will provide the parties the opportunity to engage in informal and formal settlement  
18 discussions without the pressure of the litigation process, and provide sufficient time to schedule  
19 another mediation if necessary.


20 **III. CONCLUSION**


21 Based on the foregoing, Defendants respectfully request that the Court enter an order extending  
22 the stay in this case and the deadline to file the 90 day stay report to two weeks after an EMC is  
23 scheduled in this matter.

24 DATED this 5<sup>th</sup> day of November, 2018.

25 ADAM PAUL LAXALT  
26 Attorney General

27 By:

28   
ERIN L. ALBRIGHT  
Deputy Attorney General  
State of Nevada  
Bureau of Litigation  
Public Safety Division

IT IS SO ORDERED  
  
U.S. MAGISTRATE JUDGE

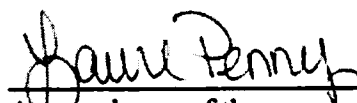
DATED: 11/7/2018

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 5<sup>th</sup> day of November, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION FOR EXTENSION OF THE 90 DAY STAY AND DEADLINE TO FILE THE 90 DAY STAY REPORT**, to the following:

Louis Randolph, #48875  
AKA Clyde Lewis, #48875  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, NV 89070

  
An employee of the  
Office of the Attorney General